

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

MARION A. HUMPHREY, JR.

PLAINTIFF

v.

CASE NO. 4:21-CV-194-LPR

STEVEN PAYTON

DEFENDANT

ANSWER

Comes the Defendant, Steven Payton, by and through his attorneys, Attorney General Leslie Rutledge and Senior Assistant Attorney General William C. Bird, and for his Answer, does state:

1. Defendant denies the allegations contained in paragraph 1 of the Complaint.

2. Paragraph 2 of the Complaint makes no allegations against the Defendant, and therefore, demands no response of the Defendant. To the extent a response is required, Defendant denies any and all allegations contained in paragraph 2 of the Complaint.

3. Paragraph 3 of the Complaint does not require a response from the Defendant as it sets forth a legal conclusion, but to the extent a response is required, the Defendant denies any and all allegations contained therein.

4. Defendant admits venue is proper in this Court.

5. Defendant admits Plaintiff was a U.S. Citizen and Arkansas resident at the time of the incident giving rise to this suit but is without knowledge sufficient to

admit or deny the remaining allegations contained in paragraph 5 of the Complaint, and therefore, all such allegations are denied.

6. Defendant admits he was a U.S. Citizen, Arkansas resident and an Arkansas State Trooper at the time of the incident giving rise to this suit but denies any and all remaining allegations contained in paragraph 6 of the Complaint.

7. Defendant is without knowledge sufficient to admit or deny the allegations contained in paragraph 7 of the Complaint, and therefore, all such allegations are denied.

8. Defendant is without knowledge sufficient to admit or deny the allegations contained in paragraph 8 of the Complaint, and therefore, all such allegations are denied.

9. Defendant is without knowledge sufficient to admit or deny the allegations contained in paragraph 9 of the Complaint, and therefore, all such allegations are denied. Defendant specifically denies he “arrested Marion for ‘driving while black.’”

10. Defendant is without knowledge sufficient to admit or deny the allegations contained in paragraph 10 of the Complaint, and therefore, all such allegations are denied.

11. Defendant is without knowledge sufficient to admit or deny the allegations contained in paragraph 11 of the Complaint, and therefore, all such allegations are denied.

12. Defendant is without knowledge sufficient to admit or deny the allegations contained in paragraph 12 of the Complaint, and therefore, all such allegations are denied.

13. Defendant is without knowledge sufficient to admit or deny the allegations contained in paragraph 13 of the Complaint, and therefore, all such allegations are denied.

14. Defendant is without knowledge sufficient to admit or deny the allegations contained in paragraph 14 of the Complaint, and therefore, all such allegations are denied.

15. Defendant is without knowledge sufficient to admit or deny the allegations contained in paragraph 15 of the Complaint, and therefore, all such allegations are denied. Defendant admits Plaintiff's route on August 20, 2020, placed him eastbound on Interstate 40.

16. Defendant is without knowledge sufficient to admit or deny the allegations contained in paragraph 16 of the Complaint, and therefore, all such allegations are denied.

17. Paragraph 17 of the Complaint references and/or quotes from a memorandum, which is not attached to the Complaint as an exhibit. Defendant asserts that the memorandum will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 17 of the Complaint.

18. Defendant is without knowledge sufficient to admit or deny the allegations contained in paragraph 18 of the Complaint, and therefore, all such allegations are denied.

19. Paragraph 19 of the Complaint references and/or quotes from a memorandum, which is not attached to the Complaint as an exhibit. Defendant asserts that the memorandum will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 19 of the Complaint.

20. Paragraph 20 of the Complaint references and/or quotes from a memorandum, which is not attached to the Complaint as an exhibit. Defendant asserts that the memorandum will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 20 of the Complaint.

21. Paragraph 21 of the Complaint references and/or quotes from a memorandum, which is not attached to the Complaint as an exhibit. Defendant asserts that the memorandum will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 21 of the Complaint.

22. Paragraph 22 of the Complaint references and/or quotes from a memorandum, which is not attached to the Complaint as an exhibit. Defendant asserts that the memorandum will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 22 of the Complaint.

23. Paragraph 23 of the Complaint references and/or quotes from a memorandum, which is not attached to the Complaint as an exhibit. Defendant

asserts that the memorandum will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 23 of the Complaint.

24. Defendant asserts that the Arkansas Driver License Study Guide speaks for itself and denies any and all remaining allegations contained in paragraph 24 of the Complaint.

25. Defendant asserts that the Arkansas Driver License Study Guide speaks for itself and denies any and all remaining allegations contained in paragraph 25 of the Complaint.

26. Defendant denies the allegations contained in paragraph 26 of the Complaint.

27. Paragraph 27 of the Complaint references and/or quotes from a memorandum, which is not attached to the Complaint as an exhibit. Defendant asserts that the memorandum will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 27 of the Complaint. Defendant denies any and all remaining allegations contained in paragraph 27 of the Complaint.

28. Paragraph 28 of the Complaint references and/or quotes from a memorandum, which is not attached to the Complaint as an exhibit. Defendant asserts that the memorandum will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 28 of the Complaint.

29. Paragraph 29 of the Complaint references and/or quotes from a memorandum, which is not attached to the Complaint as an exhibit. Defendant

asserts that the memorandum will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 29 of the Complaint.

30. Defendant denies the characterization of facts set forth in paragraph 30 of the Complaint.

31. Paragraph 31 of the Complaint references and/or quotes from a memorandum, which is not attached to the Complaint as an exhibit. Defendant asserts that the memorandum will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 31 of the Complaint.

32. Paragraph 32 of the Complaint references and/or quotes from a memorandum, which is not attached to the Complaint as an exhibit. Defendant asserts that the memorandum will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 32 of the Complaint.

33. Defendant denies the allegations contained in paragraph 33 of the Complaint.

34. Defendant admits he initiated a stop just passed Exit 81 and admits that Plaintiff pulled over at the end of the eastbound onramp from Exit 81 to the interstate, but denies any and all remaining allegations contained in paragraph 34 of the Complaint.

35. Paragraph 35 of the Complaint references and/or quotes from a memorandum, which is not attached to the Complaint as an exhibit. Defendant asserts that the memorandum will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 35 of the Complaint.

36. Paragraph 36 of the Complaint references and/or quotes from a memorandum, which is not attached to the Complaint as an exhibit. Defendant asserts that the memorandum will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 36 of the Complaint.

37. Defendant admits the allegations contained in paragraph 37 of the Complaint.

38. Defendant is without knowledge sufficient to admit or deny allegations related to the Plaintiff's state of mind and therefore denies such allegations. Defendant denies any and all remaining allegations contained in paragraph 38 of the Complaint.

39. Paragraph 39 of the Complaint makes no allegations against the Defendant, and therefore, demands no response of the Defendant. To the extent a response is required, Defendant denies any and all allegations contained in paragraph 39 of the Complaint.

40. Defendant admits the allegations contained in paragraph 40 of the Complaint.

41. Paragraph 41 of the Complaint references and/or appears to summarize or paraphrase alleged dialogue and/or actions contained in a video, not attached to the Complaint as an exhibit. Defendant asserts that the video will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 41 of the Complaint.

42. Paragraph 42 of the Complaint references and/or appears to summarize or paraphrase alleged dialogue and/or actions contained in a video, not attached to the Complaint as an exhibit. Defendant asserts that the video will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 42 of the Complaint.

43. Defendant admits the allegations contained in paragraph 43 of the Complaint.

44. Paragraph 44 of the Complaint references and/or appears to summarize or paraphrase alleged dialogue and/or actions contained in a video, not attached to the Complaint as an exhibit. Defendant asserts that the video will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 44 of the Complaint.

45. Paragraph 45 of the Complaint references and/or appears to summarize or paraphrase alleged dialogue and/or actions contained in a video, not attached to the Complaint as an exhibit. Defendant asserts that the video will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 45 of the Complaint.

46. Paragraph 46 of the Complaint references and/or appears to summarize or paraphrase alleged dialogue and/or actions contained in a video, not attached to the Complaint as an exhibit. Defendant asserts that the video will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 46 of the Complaint.

47. Paragraph 47 of the Complaint references and/or appears to summarize or paraphrase alleged dialogue and/or actions contained in a video, not attached to the Complaint as an exhibit. Defendant asserts that the video will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 47 of the Complaint.

48. Paragraph 48 of the Complaint references and/or appears to summarize or paraphrase alleged dialogue and/or actions contained in a video, not attached to the Complaint as an exhibit. Defendant asserts that the video will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 48 of the Complaint.

49. Paragraph 49 of the Complaint references and/or appears to summarize or paraphrase alleged dialogue and/or actions contained in a video, not attached to the Complaint as an exhibit. Defendant asserts that the video will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 49 of the Complaint. Additionally, Paragraph 49 of the Complaint references and/or quotes from a memorandum, which is not attached to the Complaint as an exhibit. Defendant asserts that the memorandum will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 49 of the Complaint.

50. Paragraph 50 of the Complaint does not require a response from the Defendant to the extent it sets forth a legal conclusion, to the extent a response is required and concerning any and all remaining allegations, the Defendant denies any and all allegations contained in paragraph 50 of the Complaint.

51. Paragraph 51 of the Complaint references and/or appears to summarize or paraphrase alleged dialogue and/or actions contained in a video, not attached to the Complaint as an exhibit. Defendant asserts that the video will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 51 of the Complaint and denies the factual characterization contained in paragraph 51 of the Complaint.

52. Defendant admits the allegations contained in paragraph 52 of the Complaint.

53. Paragraph 53 of the Complaint references and/or quotes from a memorandum, which is not attached to the Complaint as an exhibit. Defendant asserts that the memorandum will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 53 of the Complaint.

54. Defendant denies the allegations contained in paragraph 54 of the Complaint.

55. Defendant denies the allegations contained in paragraph 55 of the Complaint.

56. Defendant denies the allegations contained in paragraph 56 of the Complaint.

57. Defendant denies the allegations contained in paragraph 57 of the Complaint.

58. Defendant denies the allegations contained in paragraph 58 of the Complaint.

59. Defendant admits he possessed Plaintiff's driver's license and rental agreement upon exiting his vehicle but is without information sufficient to admit or deny any allegations concerning the state of mind of the Plaintiff, and therefore, all remaining allegations in paragraph 59 of the Complaint are denied.

60. Paragraph 60 of the Complaint references and/or appears to summarize or paraphrase alleged dialogue and/or actions contained in a video, not attached to the Complaint as an exhibit. Defendant asserts that the video will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 60 of the Complaint.

61. Defendant denies the allegations contained in paragraph 61 of the Complaint.

62. Paragraph 62 of the Complaint references and/or appears to summarize or paraphrase alleged dialogue and/or actions contained in a video, not attached to the Complaint as an exhibit. Defendant asserts that the video will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 62 of the Complaint. Defendant specifically denies that he was "attempting to manufacture a basis to search" as alleged in paragraph 62 of the Complaint.

63. Paragraph 63 of the Complaint references and/or appears to summarize or paraphrase alleged dialogue and/or actions contained in a video, not attached to the Complaint as an exhibit. Defendant asserts that the video will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 63 of the Complaint.

64. Defendant denies the allegations contained in paragraph 64 of the Complaint.

65. Paragraph 65 of the Complaint references and/or appears to summarize or paraphrase alleged dialogue and/or actions contained in a video, not attached to the Complaint as an exhibit. Defendant asserts that the video will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 65 of the Complaint.

66. Defendant denies the allegations contained in paragraph 66 of the Complaint.

67. Paragraph 67 of the Complaint references and/or appears to summarize or paraphrase alleged dialogue and/or actions contained in a video, not attached to the Complaint as an exhibit. Defendant asserts that the video will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 67 of the Complaint.

68. Paragraph 68 of the Complaint references and/or appears to summarize or paraphrase alleged dialogue and/or actions contained in a video, not attached to the Complaint as an exhibit. Defendant asserts that the video will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 68 of the Complaint.

69. Defendant denies the allegations contained in paragraph 69 of the Complaint. Additionally, paragraph 69 of the Complaint references and/or appears to summarize or paraphrase alleged dialogue and/or actions contained in a video, not

attached to the Complaint as an exhibit. Defendant asserts that the video will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 69 of the Complaint.

70. Paragraph 70 of the Complaint references and/or appears to summarize or paraphrase alleged dialogue and/or actions contained in a video, not attached to the Complaint as an exhibit. Defendant asserts that the video will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 70 of the Complaint.

71. Defendant is without information sufficient to admit or deny allegations concerning what the Plaintiff's father heard and such allegations therefore are denied. Additionally, paragraph 71 of the Complaint references and/or appears to summarize or paraphrase alleged dialogue and/or actions contained in a video, not attached to the Complaint as an exhibit. Defendant asserts that the video will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 71 of the Complaint.

72. Paragraph 72 of the Complaint references and/or appears to summarize or paraphrase alleged dialogue and/or actions contained in a video, not attached to the Complaint as an exhibit. Defendant asserts that the video will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 72 of the Complaint.

73. Paragraph 73 of the Complaint references and/or appears to summarize or paraphrase alleged dialogue and/or actions contained in a video, not attached to

the Complaint as an exhibit. Defendant asserts that the video will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 73 of the Complaint.

74. Paragraph 74 of the Complaint references and/or appears to summarize or paraphrase alleged dialogue and/or actions contained in a video, not attached to the Complaint as an exhibit. Defendant asserts that the video will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 74 of the Complaint.

75. Paragraph 75 of the Complaint references and/or appears to summarize or paraphrase alleged dialogue and/or actions contained in a video, not attached to the Complaint as an exhibit. Defendant asserts that the video will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 75 of the Complaint.

76. Defendant is without information sufficient to admit or deny allegations concerning what the Plaintiff believed and such allegations therefore are denied. Additionally, paragraph 76 of the Complaint references and/or appears to summarize or paraphrase alleged dialogue and/or actions contained in a video, not attached to the Complaint as an exhibit. Defendant asserts that the video will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 76 of the Complaint.

77. Paragraph 77 of the Complaint does not require a response from the Defendant as it sets forth a legal conclusion, but to the extent a response is required, the Defendant denies any and all allegations contained therein.

78. Paragraph 78 of the Complaint references and/or appears to summarize or paraphrase alleged dialogue and/or actions contained in a video, not attached to the Complaint as an exhibit. Defendant asserts that the video will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 78 of the Complaint.

79. Paragraph 79 of the Complaint references and/or appears to summarize or paraphrase alleged dialogue and/or actions contained in a video, not attached to the Complaint as an exhibit. Defendant asserts that the video will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 79 of the Complaint and denies that he was “perturbed that Marion would not consent” as alleged in paragraph 79 of the Complaint.

80. Paragraph 80 of the Complaint references and/or appears to summarize or paraphrase alleged dialogue and/or actions contained in a video, not attached to the Complaint as an exhibit. Defendant asserts that the video will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 80 of the Complaint.

81. Paragraph 81 of the Complaint references and/or appears to summarize or paraphrase alleged dialogue and/or actions contained in a video, not attached to the Complaint as an exhibit. Defendant asserts that the video will speak for itself.

Defendant denies any and all allegations of wrongdoing contained in paragraph 81 of the Complaint. Defendant admits he called for a K-9.

82. Defendant denies the factual characterizations and allegations contained in paragraph 82 of the Complaint. Additionally, paragraph 82 of the Complaint references and/or appears to summarize or paraphrase alleged dialogue and/or actions contained in a video, not attached to the Complaint as an exhibit. Defendant asserts that the video will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 82 of the Complaint.

83. Paragraph 83 of the Complaint references and/or appears to summarize or paraphrase alleged dialogue and/or actions contained in a video, not attached to the Complaint as an exhibit. Defendant asserts that the video will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 83 of the Complaint.

84. Paragraph 84 of the Complaint references and/or appears to summarize or paraphrase alleged dialogue and/or actions contained in a video, not attached to the Complaint as an exhibit. Defendant asserts that the video will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 84 of the Complaint. Defendant admits he contacted officer Davis.

85. Paragraph 85 of the Complaint references and/or appears to summarize or paraphrase alleged dialogue and/or actions contained in a video, not attached to the Complaint as an exhibit. Defendant asserts that the video will speak for itself.

Defendant denies any and all allegations of wrongdoing contained in paragraph 85 of the Complaint.

86. Defendant denies the allegations contained in paragraph 86 of the Complaint.

87. Paragraph 87 of the Complaint references and/or appears to summarize or paraphrase alleged dialogue and/or actions contained in a video, not attached to the Complaint as an exhibit. Defendant asserts that the video will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 87 of the Complaint.

88. Paragraph 88 of the Complaint references and/or appears to summarize or paraphrase alleged dialogue and/or actions contained in a video, not attached to the Complaint as an exhibit. Defendant asserts that the video will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 88 of the Complaint.

89. Paragraph 89 of the Complaint references and/or appears to summarize or paraphrase alleged dialogue and/or actions contained in a video, not attached to the Complaint as an exhibit. Defendant asserts that the video will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 89 of the Complaint.

90. Paragraph 90 of the Complaint references and/or appears to summarize or paraphrase alleged dialogue and/or actions contained in a video, not attached to the Complaint as an exhibit. Defendant asserts that the video will speak for itself.

Defendant denies any and all allegations of wrongdoing contained in paragraph 90 of the Complaint.

91. Paragraph 91 of the Complaint references and/or appears to summarize or paraphrase alleged dialogue and/or actions contained in a video, not attached to the Complaint as an exhibit. Defendant asserts that the video will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 91 of the Complaint.

92. Defendant denies the allegations contained in paragraph 92 of the Complaint.

93. Defendant is without information sufficient to admit or deny any allegations concerning Plaintiff's state of mind and such allegations therefore are denied. Additionally, paragraph 93 of the Complaint references and/or appears to summarize or paraphrase alleged dialogue and/or actions contained in a video, not attached to the Complaint as an exhibit. Defendant asserts that the video will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 93 of the Complaint.

94. Paragraph 94 of the Complaint references and/or appears to summarize or paraphrase alleged dialogue and/or actions contained in a video, not attached to the Complaint as an exhibit. Defendant asserts that the video will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 94 of the Complaint. Defendant admits it appears that approximately 16 minutes elapsed as alleged in paragraph 94 of the Complaint.

95. Defendant denies the allegations contained in paragraph 95 of the Complaint.

96. Paragraph 96 of the Complaint references and/or appears to summarize or paraphrase alleged dialogue and/or actions contained in a video, not attached to the Complaint as an exhibit. Defendant asserts that the video will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 96 of the Complaint.

97. Paragraph 97 of the Complaint references and/or appears to summarize or paraphrase alleged dialogue and/or actions contained in a video, not attached to the Complaint as an exhibit. Defendant asserts that the video will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 97 of the Complaint.

98. Paragraph 98 of the Complaint references and/or appears to summarize or paraphrase alleged dialogue and/or actions contained in a video, not attached to the Complaint as an exhibit. Defendant asserts that the video will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 98 of the Complaint.

99. Paragraph 99 of the Complaint references and/or appears to summarize or paraphrase alleged dialogue and/or actions contained in a video, not attached to the Complaint as an exhibit. Defendant asserts that the video will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 99 of the Complaint.

100. Paragraph 100 of the Complaint references and/or appears to summarize or paraphrase alleged dialogue and/or actions contained in a video, not attached to the Complaint as an exhibit. Defendant asserts that the video will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 100 of the Complaint.

101. Paragraph 101 of the Complaint references and/or appears to summarize or paraphrase alleged dialogue and/or actions contained in a video, not attached to the Complaint as an exhibit. Defendant asserts that the video will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 101 of the Complaint. Defendant generally admits the Plaintiff was placed in handcuffs and placed in Defendant's vehicle during the search.

102. Paragraph 102 of the Complaint references and/or appears to summarize or paraphrase alleged dialogue and/or actions contained in a video, not attached to the Complaint as an exhibit. Defendant asserts that the video will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 102 of the Complaint.

103. Defendant denies the allegations contained in paragraph 103 of the Complaint. Additionally, paragraph 103 of the Complaint references and/or appears to summarize or paraphrase alleged dialogue and/or actions contained in a video, not attached to the Complaint as an exhibit. Defendant asserts that the video will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 103 of the Complaint.

104. Paragraph 104 of the Complaint references and/or appears to summarize or paraphrase alleged dialogue and/or actions contained in a video, not attached to the Complaint as an exhibit. Defendant asserts that the video will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 104 of the Complaint.

105. Defendant denies the allegations contained in paragraph 105 of the Complaint.

106. Defendant is without information sufficient to admit or deny the allegations contained in paragraph 106 of the Complaint and such allegations therefore are denied.

107. Defendant admits the Plaintiff remained in the backseat of Defendant's vehicle while a search was conducted but denies any and all remaining allegations contained in paragraph 107 of the Complaint.

108. Defendant admits the Plaintiff remained in the backseat of Defendant's vehicle while a search was conducted but denies any and all remaining allegations contained in paragraph 108 of the Complaint.

109. Defendant admits the Plaintiff remained in the backseat of Defendant's vehicle while a search was conducted but denies any and all remaining allegations contained in paragraph 109 of the Complaint.

110. Paragraph 110 of the Complaint references and/or appears to summarize or paraphrase alleged dialogue and/or actions contained in a video, not attached to the Complaint as an exhibit. Defendant asserts that the video will speak

for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 110 of the Complaint.

111. Paragraph 111 of the Complaint references and/or appears to summarize or paraphrase alleged dialogue and/or actions contained in a video, not attached to the Complaint as an exhibit. Defendant asserts that the video will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 111 of the Complaint.

112. Defendant denies the allegations contained in paragraph 112 of the Complaint.

113. Defendant admits narcotics were not found in the truck but is without information sufficient to admit or deny the remaining allegations contained in paragraph 113 of the Complaint and such allegations therefore are denied.

114. Defendant denies the factual characterizations contained in paragraph 114 of the Complaint. Additionally, paragraph 114 of the Complaint references and/or appears to summarize or paraphrase alleged dialogue and/or actions contained in a video, not attached to the Complaint as an exhibit. Defendant asserts that the video will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 114 of the Complaint.

115. Defendant denies the allegations contained in paragraph 115 of the Complaint.

116. Defendant denies the allegations contained in paragraph 116 of the Complaint.

117. Paragraph 117 of the Complaint references and/or appears to summarize or paraphrase alleged dialogue and/or actions contained in a video, not attached to the Complaint as an exhibit. Defendant asserts that the video will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 117 of the Complaint.

118. Defendant denies the factual characterizations contained in paragraph 118 of the Complaint. Additionally, paragraph 118 of the Complaint references and/or appears to summarize or paraphrase alleged dialogue and/or actions contained in a video, not attached to the Complaint as an exhibit. Defendant asserts that the video will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 118 of the Complaint.

119. Defendant denies the allegation that he made a “false assertion” as set forth in paragraph 119 of the Complaint. Additionally, paragraph 119 of the Complaint references and/or appears to summarize or paraphrase alleged dialogue and/or actions contained in a video, not attached to the Complaint as an exhibit. Defendant asserts that the video will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 119 of the Complaint.

120. Defendant denies the allegations contained in paragraph 120 of the Complaint.

121. Defendant admits the search eventually concluded and no narcotics were located but denies the allegations and characterizations in paragraph 121 of the Complaint.

122. Defendant admits the allegations contained in paragraph 122 of the Complaint.

123. Defendant denies the allegations contained in paragraph 123 of the Complaint.

124. Defendant denies the allegations contained in paragraph 124 of the Complaint.

125. Defendant denies the allegations contained in paragraph 125 of the Complaint.

126. Defendant denies the allegations contained in paragraph 116 of the Complaint.

127. Defendant denies the allegations contained in paragraph 127 of the Complaint concerning an alleged “pretextual and unlawful stop and search” and is without information sufficient to admit or deny whether this incident received “significant media attention” and such allegations therefore are denied.

128. Defendant denies the allegations and characterizations contained in paragraph 128 of the Complaint.

129. Defendant denies the allegations contained in paragraph 129 of the Complaint.

130. Paragraph 130 of the Complaint references and/or quotes from a memorandum, which is not attached to the Complaint as an exhibit. Defendant asserts that the memorandum will speak for itself. Defendant denies any and all allegations of wrongdoing contained in paragraph 130 of the Complaint.

131. Defendant denies the allegations contained in paragraph 131 of the Complaint.

132. Defendant denies the allegations contained in paragraph 132 of the Complaint.

133. Defendant denies the allegations contained in paragraph 133 of the Complaint.

134. Defendant denies the allegations contained in paragraph 134 of the Complaint.

135. Defendant denies the allegations contained in paragraph 135 of the Complaint.

136. Defendant is without information sufficient to admit or deny allegations as to the Plaintiff's state of mind and such allegations therefore are denied. Defendant denies his actions were taken with "no good reason" as alleged in paragraph 136 of the Complaint.

137. Defendant is without information sufficient to admit or deny allegations as to the Plaintiff's state of mind and such allegations contained in paragraph 137 of the Complaint therefore are denied.

138. Paragraph 138 of the Complaint does not require a response from the Defendant but to the extent a response is required, the Defendant denies any and all allegations contained therein.

139. Defendant denies the allegations contained in paragraph 139 of the Complaint.

140. Defendant denies the allegations contained in paragraph 140 of the Complaint.

141. Defendant denies the allegations contained in paragraph 141 of the Complaint.

142. Defendant denies the allegations contained in paragraph 142 of the Complaint.

143. Defendant denies the allegations contained in paragraph 143 of the Complaint and specifically denies that Plaintiff is entitled to damages.

144. Defendant denies the allegations contained in paragraph 144 of the Complaint and specifically denies that Plaintiff is entitled to punitive damages.

145. Defendant denies the allegations contained in paragraph 145 of the Complaint and specifically denies that Plaintiff is entitled to recover his costs.

146. Defendant denies Plaintiff is entitled to any of the relief requested in paragraphs 1-3 of the WHEREFORE section of the Complaint.

147. The Defendant denies each and every allegation contained in the Complaint not specifically admitted herein and demands strict proof thereof.

148. Defendant states affirmatively that he has not engaged in any conduct that violated any of the Plaintiff's constitutional, statutory or other legal rights.

149. Defendant states affirmatively that the Complaint, or portions thereof, should be dismissed pursuant to F.R.C.P. 12(b)(1) for lack of subject matter jurisdiction.

150. Defendant states affirmatively that the Complaint, or portions thereof, should be dismissed pursuant to F.R.C.P. 12(b)(6) for failure to state a claim upon which relief may be granted.

151. Defendant states affirmatively that this action is barred by qualified immunity.

152. Defendant states affirmatively that to the extent Plaintiff has sustained damages, such damages are a direct and proximate result of Plaintiff's own conduct.

153. The Defendant denies Plaintiff is entitled to damages, including compensatory or punitive damages, as alleged in the Complaint.

154. In addition, to the extent any of the following affirmative defenses apply, Defendant asserts the following: sovereign immunity, qualified immunity, and/or statutory immunity; statute of limitations; failure to mitigate damages; justification; insufficient process, and insufficient service of process; waiver; and failure to join an indispensable party.

155. The Defendant reserves the right to assert additional affirmative defenses and amend his Answer pending further investigation and discovery of this matter.

156. The Defendant demands a trial by jury.

WHEREFORE, the Defendant Steven Payton prays this Court dismiss Plaintiff's Complaint against him, and for all other just and proper relief to which the Defendant is entitled.

Respectfully submitted,

LESLIE RUTLEDGE
Attorney General

By: William C. Bird
Ark. Bar No. 2005149
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Attorneys for Defendant

CERTIFICATE OF SERVICE

I, William C. Bird, hereby certify that on April 12, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system notifying all parties.

William C. Bird